HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 12690 of 2007

Dated 25th June 2007

Between:

M/s. A.Vijayalakshmi.

...Petitioner

and

Govt of A.P. and another.

...Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 12690 of 2007

O R D E R:

Petitioner claims to be the purchaser of Flat No.25 in 5th Floor bearing Door No.25-11-2/1/24 of Sea Shells Apartments, Waltair Ward, Visakhapatnam. He complains that the second respondent is not entertaining the sale deed presented by him, in respect of the said property, allegedly on the basis of instructions received from the superior authorities.

Heard the learned counsel for the petitioner and the

learned Government Pleader for Revenue.

Till recently, the scope of refusal to register a document was very limited. The A.P. State Legislature had introduced Section 22-A of the Registration Act 19 of 2007, which provided for several contingencies, under which the registering authority can refuse to register a document. In addition to that, Section 5 of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 prohibits registration of documents in relation to assigned lands. However, unless the document is attracted by the said provisions, the registering authority cannot refuse registration. Whenever any such reasons or grounds are noticed, they must be communicated to the parties to the document, without any loss of time. Further, the authority cannot refuse to receive the document, because the actual consideration would arise, only after it is received and examined with reference to the relevant provisions. Mere receiving of document does not confer any right or lead to any change in relationship vis-à-vis the property.

Hence, the Writ Petition is disposed of, directing that the second respondent shall receive the document, that may be presented by the petitioner, but shall examine the same with reference to the relevant provisions of law, including Section 22-A of the Registration Act 19 of 2007

and Section 5 of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977. In case, the land is not covered by the said provisions, the document shall be admitted to registration, on being satisfied about the adequacy of stamp duty and registration charges. On the other hand, if the registration is prohibited under the said provisions, the reasons shall be communicated to the petitioner, within ten (10) from the date of presentation of the document. There shall be no order as to costs.

_____

25.06.2007

Note: Issue C.C. in one (1) week.

(B/o)

JSU